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BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Cambridge and St. Michaels, MD))

MM Docket No. 92-291
RM-8133

TO: The Commission

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REPLY TO
OPPOSITION TO APPLICATION FOR REVIEW

CWA Broadcasting, Inc. (CWA), permittee of FM Broadcast Station WFBR, Channel 232A, Cambridge, Maryland, by its attorney, and pursuant to Section 1.115(d) of the Commission's Rules, hereby respectfully submits its Reply to the September 8, 1995 "Opposition to Application for Review" filed by Prettyman Broadcasting Company, Inc. (Prettyman). In so doing, the following is shown:

1. In reviewing this matter, the five Commissioners need to ask themselves: what is Prettyman doing opposing CWA's modest request to move its community of license a few miles in order to avail itself of an existing tower not subject to the whims of the Talbot County, Maryland zoning authority?

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2. Prettyman clearly does not want an African-American to operate a radio station on the Eastern Shore of Maryland. Prettyman, an established and experienced owner of broadcast stations headquartered in Salisbury, Maryland, wants to keep broadcast ownership on the Eastern Shore to a small, exclusive "club". Prettyman must be scared of CWA's owner, Charles W. "Hoppy" Adams, Jr., whose daily programs over WANN in Annapolis were heard by persons of color throughout the Delmarva Peninsula for some four decades.

3. Clearly, Mr. Adams, a pioneer African-American broadcaster in the state of Maryland, deserves much better than the shabby treatment he has been subjected to by Prettyman.

4. CWA's "Application for Review" demonstrates, as matters of law and of fact, why the Commission must do the right thing and reallocate Channel 232A from Cambridge to St. Michaels. Prettyman fails to make one cogent argument why CWA's "Application for Review" should not be granted. It is utterly ridiculous for Prettyman to argue (Opp. at 4) that "the Commission can not parse the factual record and the conclusions of the Administrative Law Judge to reevaluate now whether CWA's involvement in civic activities

in St. Michaels would have justified award of the Cambridge permit over the competing applicants". This totally distorts and demeans CWA's arguments. Prettyman cannot be counted on to fairly discuss the serious legal issues raised in CWA's "Application for Review". Prettyman's "Opposition" must be categorically rejected.

Conclusion

5. It was reported in the trade press that Chairman Reed E. Hundt told the recent NAB Radio Show in New Orleans that he "has vowed to explore options to maintain diversity" in radio¹. Mr. Chairman, here is your opportunity to maintain and increase diversity in broadcasting and strike a blow against racism on the Eastern Shore of Maryland. CWA's "Petition for Rulemaking" is consistent with the policy for change of community of license enunciated in **Memorandum Opinion and Order on Reconsideration in MM Docket 88-526**, 5 FCC Rcd 7094, 7097 (1990). Moreover, the public interest, convenience and necessity, as well as common human decency, requires that CWA's petition be granted.

WHEREFORE, CWA Broadcasting, Inc. urges that this Application for Review **BE GRANTED**, and that the Commission

¹See **The M Street Journal**, September 13, 1995 (Vol. 12, No. 37), at p. 1.

EXPEDITIOUSLY REALLOCATE FM Channel 232A from Cambridge, Maryland to St. Michaels, Maryland and modify the current authorization for FM Broadcast Station WFBR to specify St. Michaels, Maryland as its community of license.

Respectfully submitted,

CWA BROADCASTING, INC.

By 

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September 19, 1995

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Reply to Opposition to Application for Review" has been served by first-class United States mail, postage prepaid, on this 19th day of September, 1995, upon the following:

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